

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

James Buford Robertson,	)	
	)	
Plaintiff,	)	Civil Action No. 3:12-712-MGL
	)	
vs.	)	
	)	OPINION AND ORDER
Geo Columbia Regional Care Center,	)	
	)	
Defendant.	)	

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Plaintiff James Buford Robertson, a mental patient proceeding *pro se* brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. (ECF No. 1.) In accordance with 28 U.S.C. 636(b)(1) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Roger, III for pretrial handling. On June 12, 2012, Plaintiff filed a motion to be transferred to a different facility. (ECF No. 24.) The Magistrate Judge issued a Report and Recommendation on June 22, 2012 recommending that Plaintiff's motion to transfer be denied. (ECF No. 29.) The Magistrate Judge provided Plaintiff a notice advising him of his right to file objections to the Report. *Id.* On June 29, 2012, Plaintiff filed objections to the Report and Recommendation. (ECF No. 32.)

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The court is charged with making a *de novo* determination of those portions of the Report

and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1). The court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's report to which objections have been filed. Id. However, the court need not conduct a *de novo* review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4<sup>th</sup> Cir. 1982.) In the absence of a timely filed specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005.)

The Magistrate Judge construed Plaintiff's motion to transfer as one for Preliminary Injunction. Upon review, the Magistrate Judge concluded that Plaintiff failed to make the requisite showing for a preliminary injunction. See Winter v. Natural Resources Defense Council, Inc., 555 U.S. 129, 129 S.Ct. 365, 374, 172 L.Ed.2d 249 (2008). As noted, above, Plaintiff filed objections to the Report and Recommendation. Plaintiff contends *inter alia* that the court misunderstands Plaintiff's incarceration status and restates many of his original grievances and reasons for filing the instant action. Plaintiff does not dispute that he has failed to make the requisite showing to obtain injunctive relief. The Court has carefully reviewed Plaintiff's objections and finds the objections provide no basis for this court to deviate from the Magistrate Judge's recommended disposition. The objections are nonspecific, unrelated to the dispositive portions of the Report and Recommendation or merely restate Plaintiff's claims. In the absence of specific objections to the Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198 (4<sup>th</sup> Cir. 1983.)

After careful review of the record, the applicable law, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. Accordingly, the Court adopts the Report and Recommendation and incorporates it herein by reference. It is therefore ORDERED that Plaintiff's motion to transfer is DENIED. The within action is recommitted to the Magistrate Judge for further pretrial handling.<sup>1</sup>

IT IS SO ORDERED.

s/Mary G. Lewis  
United States District Judge

July 12, 2012  
Florence, South Carolina

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<sup>1</sup>Plaintiff's objections to the Magistrate Judge's Report and Recommendation included a motion to amend his complaint. This motion will be considered by the Magistrate Judge.